

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

SHYTWIN FOSTER,

Defendant.

8:99CR29

ORDER

Defendant Shytwin Foster appeared before the court on Thursday, May 27, 2010 on a Second Petition for Warrant or Summons for Offender Under Supervision [88]. The defendant was represented by Assistant Federal Public Defender Richard H. McWilliams and the United States was represented by Assistant U.S. Attorney David M. Wear. Through his counsel, the defendant waived his right to a probable cause hearing on the Report pursuant to Fed. R. Crim. P. 32.1(a)(1). A detention hearing was held. Since it is the defendant's burden under 18 U.S.C. § 3143 to establish by clear and convincing evidence that he is neither a danger to the community nor a flight risk, the court finds the defendant has failed to carry his burden and that he should be detained pending a dispositional hearing before Chief Judge Bataillon.

I find that the Report alleges probable cause and that the defendant should be held to answer for a final dispositional hearing before Chief Judge Bataillon.

IT IS ORDERED:

1. A final dispositional hearing will be held before Chief Judge Joseph F. Bataillon in Courtroom No.3, Third Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, on **October 22, 2009 at 1:00 p.m.** Defendant must be present in person.
2. The defendant, Shytwin Foster, is committed to the custody of the Attorney General or his designated representative for confinement in a correctional facility;
3. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel; and
4. Upon order of a United States court or upon request of an attorney for the government, the person in charge of the corrections facility shall deliver defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED this 27th day of May, 2010.

BY THE COURT:

s/ F. A. Gossett
United States Magistrate Judge